

REMARKS

This amendment is responsive to the Office Action of September 19, 2007. Reconsideration and allowance of the claims 3-8 and 10-21 are requested.

The Office Action

Claims 1, 2, 4, 5, and 8-13 stand rejected under 35 U.S.C. § 102 as being anticipated by anyone of Sellers (US 5,678,562) or Mault (US 6,790,178), or McKinnon (US 6,190,326).

Claim 3 stands rejected under 35 U.S.C. § 102 as being unpatentable over Sellers or McKinnon.

Claims 6, 7, 14, and 15 stand rejected under 35 U.S.C. § 102 as being anticipated by Sellers or Mault.

The Prior Art

Sellers, Mault, and McKinnon are exemplary of the acknowledged prior art illustrated in Figures 3 and 4 of the present application and discussed on pages 1 and 2 of the present application. Specifically, prior art medical measurement devices have two interfaces. One interface is connected with the sensors to receive the analog signals from the sensors and the other interface is connectable with a digital device, such as for receiving software upgrades.

Sellers has a first interface, such as analog circuit 50, which receives analog signals from the sensor 18 and a second interface, such as PC card interface 70, which interacts with either a disc cartridge 26 or a wireless data modem 28. Thus, the medical device 20 of Sellers is exemplary of the acknowledged prior art.

In Mault, medical device 30 is connected with a first interface 32 for digital communications. However, Mault does not provide sufficient detail about the proposed structure to show the electronics between the calorimeter 42 and the rest of the medical device. Because the analog breathing sensor data goes into module 30 in a different manner than the digital device 10, 44, it is clear that they do not use the same interface. Thus, although a specific interface for the analog input from the breathing mask 16, 42, 70, etc. is not shown, it is understood that such an interface

must be present since the breathing mask clearly does not use the same interface as the digital PDA.

McKinnon, in Figure 2, has a wireless transceiver 44 which appears to function as the digital interface, which digital interface is separate from the interface for the mouthpiece unit 14 which may be found in measurement circuit 38 or might be found in an unshown interface circuit which was omitted for simplicity of illustration.

The Claims Distinguish Patentably Over the References of Record

Claim 4 calls for an interface which in a measurement mode is connected to measurement means and which same interface in a communication mode is connected with an external device. Neither Sellers, nor Mault, nor McKinnon disclose an interface device which is connectable with both the measurement means and an external device.

Moreover, claim 4 calls for a changeover between the measurement and communication modes to be affected automatically depending on whether the measurement means or the external device are connected to the interface. Neither Sellers, nor Mault, nor McKinnon disclose an interface which switches between a measurement and communication mode, much less an interface which switches automatically between these modes depending on whether said interface is connected with a measurement means or an external device. Claim 3 emphasizes that the same interface communicates both analog and digital inputs.

Accordingly, it is submitted that claim 4 and claims 3 and 5-7 dependent therefrom distinguish patentably and unobviously over the references of record.

Claim 8 calls for an apparatus which includes an interface that is designed to be connected to an analog measurement means to receive analog measured signals and which same interface is configured to transfer digital data when said interface is connected to a digital external device. By contrast, Sellers, Mault, and McKinnon have separate digital and analog interfaces like the acknowledged prior art. Accordingly, it is submitted that claim 8 and claims 10-15 dependent therefrom distinguish patentably and unobviously over the references of record.

Claim 9 has been cancelled and replaced with new claim 16 which has been carefully crafted to distinguish clearly over the applied references. Accordingly, it is

submitted that claim 16 and claims 11-13 and 17-21 dependent therefrom distinguish patentably and unobviously over the references of record.

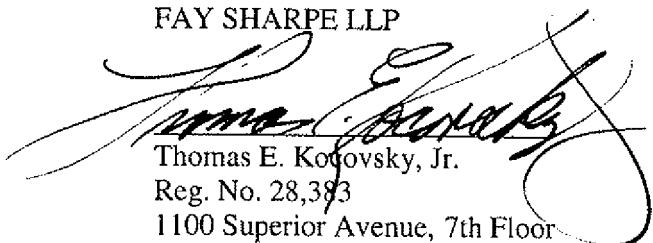
CONCLUSION

For the reasons set forth above, it is submitted that all claims distinguish patentably over the references of record and meet all statutory requirements. An early allowance of claims 3-8 and 10-21 is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is requested to telephone Thomas Kocovsky at (216) 861-5582.

Respectfully submitted,

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